

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 1ST DECEMBER 2006 / 10TH AGRAHAYANA 1928

WP(C).No. 30639 of 2006(V)

PETITIONER:

R.S. RAJASEKHARAN,
EXCISE PREVENTIVE OFFICER, EXCISE RANGE OFFICE,
KOTTARAKKARA, KOLLAM.

BY ADV. SRI.M.V.THAMBAN

RESPONDENTS:

1. ASST. EXCISE COMMISSIONER, KOLLAM.
2. EXCISE INSPECTOR,
EXCISE RANGE OFFICE, KOTTARAKKARA.
3. EXCISE COMMISSIONER,
COMMISSIONERATE OF EXCISE, THIRUVANANTHAPURAM.
4. STATE OF KERALA,
REPRESENTED BY SECRETARY TO THE GOVT.,
DEPARTMENT OF TAXES (EXCISE), GOVT.SECRETARIAT,
THIRUVANANTHAPURAM.
5. K. VIKRAMAN NAIR,
EXCISE PREVENTIVE OFFICER, EXCISE CIRCLE OFFICE,
KARUNAGAPPALLY, KOLLAM DISTRICT.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01/12/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO. 30639 of 2006

Dated this the 1st day of December, 2006

JUDGMENT

The petitioner is working as Excise Preventive Officer in the Excise Department. As per Ext.P1 order passed by the Assistant Excise Commissioner, Kollam, he has been transferred from the Excise Range Office, Kottarakkara to KSDC, Karikode. Challenging Ext.P1 order, the petitioner contends that he is being chosen for frequent transfers from one place to another and the present order of transfer cannot be considered as one passed in public interest but only to harass the petitioner.

2. In the statement filed by the first respondent, it is stated that the petitioner was placed under suspension in 1999 in the background of certain complaints received against him. While ordering reinstatement in service he was transferred to Kottayam Division in the year 2000. Later on, he was transferred to Kollam Division from Kottayam in the year 2002. Pursuant to another complaint, he was strictly warned by the Joint Excise Commissioner and the file was closed. The petitioner has been transferred from the Excise Range

Office, Kottarakkara to KSDC in the background of complaints raised by some members of the public. In the background of such complaints, the Department felt that it would be proper to post the petitioner in a nonfield unit and therefore, KSDC Karikode has been chosen as the right place for the petitioner to work. It is stated that the petitioner's house is within 20 kms. radius of Kerala State Beverages Corporation, KSDC Karikode, Kollam. The petitioner cannot have any legal grievance against the order of transfer.

3. The petitioner has filed a reply affidavit stating the circumstances under which he was placed under suspension as also the circumstances which led to the Joint Commissioner for closing the file by administering warning to the petitioner and three other officers. According to the petitioner, he had done good service as a loyal employee of the department but unfortunately the Assistant Excise Commissioner could not appreciate the meritorious work done by him.

4. I do not think it proper or necessary to probe into the truth of the allegations made against the petitioner or the contra version of the petitioner. The order of transfer seems to be one issued considering the necessity to maintain discipline and the reputation of the Government department. When such measures are taken by the authorities it is neither proper nor justifiable to interfere with such

action. There is no cogent material to indicate that the impugned transfer is the result of malafide exercise of power. There is no merit in this writ petition. W.P.(C) is accordingly dismissed.

K.K.DENESAN, JUDGE

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